

EXAMINATION IN TO THE SOUNDESS OF THE EAST HERTS DISTRICT PLAN 2011-2033

HEARING STATEMENT BY J. C. G. TROWER

CHAPTER 11 – THE GILSTON AREA

WEDNESDAY 8TH NOVEMBER 2017

My response is set out by way of an introduction, providing background as to why I am responding, and the answers to the Inspector's questions in the order which she asked them.

Introduction

My wife and I own and farm Stanstead Bury, a neighbouring listed Park and Garden which will be severely impacted by policies GA1 and GA2. We own 11 listed buildings at Stanstead Bury and are the principal custodians of a further 7. We farm the land linking 2 of only 15 SSSI's in the District and we are heavily committed to Environmental Stewardship Schemes across our land. We provide commercial lets for 14 small businesses and high quality residential units, the majority of which are let to young families and essential workers (including a police constable, an employee of the Environment Agency and an HCC social worker).

I have lived in the area for most of my life and know it exceptionally well.

I work as a corporate financier in the City of London advising publicly listed and privately owned companies. I therefore have some understanding of the realities of commercial life.

I am a past High Sheriff of Hertfordshire, the Chairman of the Baesh Almshouse Trust, the Friends of St James Church and the Essex and Herts Air Ambulance. I am involved with many other local and national charities. My wife is Vice Chairman of the Stanstead Abbots Parish Council, is a teacher and an environmentalist. We are both therefore deeply engaged in the local community and have some understanding both of what makes a successful community and of housing needs in the local area.

I have no knowledge of the planning system.

My comments are made in a personal capacity on behalf of my wife and I and should not be taken as being representative of those of the many organisations with which we are both involved.

1. Considerations leading to the allocation of the Gilston Area

In my view the considerations which have led the EHDC to allocate such a large area for development are deeply flawed.

- (a) The EHDC is faced with having to find sites for very large numbers of houses. However, instead of coming up with a sustainable solution it has taken the easy option presented by two large landowners and endeavoured to bury what it considers to be a problem in a corner of the district where it believes that the least damage will be done.
- (b) The EHDC itself has fought against this development for many years as has the Hertfordshire County Council.
- (c) The EHDC has misled the people of the district by telling us that the inclusion of the land at Gilston as a Broad Location of Development in its Preferred Options consultation of 2014 was tactical, that it had been included for political reasons, that the objective was to kick the problem down the road for 30 years and that no one should worry as this development would never happen.

- (d) The consultation on Gilston has been designed to create a bias in favour of the acceptance of the development. Most people living in the district are either unaware of the proposal or have been led to believe by the EHDC that there was no purpose in objecting as this was going to happen. One senior member of the Council has been saying that objectors should just “get used to it as this development was going to happen”. It is my contention that the EHDC has endeavoured to suppress objections to GA1 and GA2. This is not acceptable for a development which will so fundamentally change the face of East Hertfordshire.
- (e) The EHDC has failed to consult with neighbouring landowners. When I requested a meeting this was refused because “I do not believe that there would be any value in a meeting” (Councillor Linda Haysey’s letter to Mr and Mrs Trower dated 9th February 2017).
- (f) No account appears to have been taken of the impact on two listed Parks and Gardens, Briggens and Stanstead Bury. Certainly no one has at any stage seen fit to consult my wife or I. The adoption of GA1 and GA2 would be in clear conflict with policy HA8 and the laudable statements set out in paragraphs 21.6.1-21.6.4 of the proposed District Plan.
- (g) The EHDC appear to be entirely oblivious of section 63 of the Lea Valley Regional Park Act of 1966 which is specifically for the Protection of Owners of Stanstead Bury (currently my wife and I). Parliament saw fit to include this clause because of the importance which was attached to the setting of Stanstead Bury and its Park and of the views from the Stort Valley.
- (h) Building should only be permitted in the Green Belt in exceptional circumstances and where there is local support.
- As the EHDC well knows, GA1 and GA2 have virtually no local support. Nearly 1,900 people have formally objected to the policies despite the EHDC’s best efforts to make people think that there was no point in doing so. Over 90% of people who I talked to over a two hour period outside the Co-Op in Stanstead Abbots on 3rd December 2016 voiced a strong objection.
 - There are alternatives to the creating the first piece of suburban sprawl in East Hertfordshire. The EHDC should be encouraging small scale development throughout the district. According to the District Plan there are 100 villages and hamlets many of which need development in order to sustain churches, shops and pubs; and there are many many more farmsteads and isolated rural houses where additional housing could also be built (Stanstead Bury which used to be surrounded by many more houses being but one example). Little or no account is taken of these opportunities in the proposed district plan. 500 houses are allocated to the villages in total, of these 327 houses are proposed in 5 villages. Therefore in excess of 95 other villages and hamlets are expected to take only the remaining 173 houses or less than two each; this seems to be an extraordinary missed opportunity to address some of the social and community problems faced by the villages and hamlets of East Hertfordshire.

2. The Loss of the Green Belt

The Gilston proposal is so enormous and will so fundamentally change East Hertfordshire that it is difficult to see how it can be consistent with other parts of the District Plan and particularly sections 1, 8, 9, 10 or 11 of the Vision Statement or 4, 8 and 9 of its Strategic Objectives. If these are not to be mere words they would need re-writing were GA1 and GA2 to be permitted.

- (a) The plan, rightly in my view, celebrates the fact that East Hertfordshire is a district of scattered settlements and market towns.
- (b) Adopting GA1 and GA2 would be the first time in over 1000 years that a new development of this scale has been created in East Hertfordshire. All other development has been organic, i.e. additions to existing settlements. Creating the proposed garden villages will in reality create a suburban sprawl which is semi-detached from Harlow and has no relationship with any existing community.
- (c) If preventing coalescence between settlements was taken seriously it is inconceivable that this site would be chosen for development. Planning law was created in order to prevent ribbon development and urban sprawls. GA1 and GA2 is in reality ribbon development on a heroic scale. The site chosen will develop one of the few remaining areas of countryside in the Stort & Lea Valleys between London and Stanstead Airport.
- (d) The fact that the Hertfordshire County Council has now designated the remainder of the land between Stanstead Abbots and the proposed Gilston development as its preferred option for a gravel extraction will ensure the completion of a ribbon of development along the entirety of the north side of the Stort Valley, joining Stanstead Abbots to Harlow and eventually to Sawbridgeworth and beyond.
- (e) The north side of the Stort Valley is important in heritage and in environmental terms. Development on this scale would be cultural vandalism. No account has been taken of Henry VIII's great hunting parks, of which the EHDC appears oblivious, or of the historical importance of the views of the north side of the Valley (copy of the painting by John Linnell, considered by most authorities to be a rival to John Constable, in my possession is attached as Appendix A), or of Sir Frederick Gibberd's comment on the importance of the "Hertfordshire Hills" as a backdrop to Harlow itself, or of its own Landscape Assessment which emphasises the importance of the historic parkland on the south facing slopes and states that development should only be "permitted where it will enhance the local landscape character".
- (f) The linear nature of the proposed design of the settlement appears calculated to maximise the visual damage that it creates. One can only presume that this linear design has been proposed in order to satisfy the demands of two developers/promoters and thus enable them to share costs. The suggested phasing of the development is equally damaging for the local community and would appear to be designed purely to maximise the profit for the developers but will have the unfortunate consequence of minimising the chances of a successful community being created.
- (g) The EHDC is proposing this development because it wants what it perceives to be a problem to be isolated in one corner of the district. If this is to be its approach then it would be much better to admit that it is sacrificing the Stort Valley in order to enable the rest of the district to be preserved in aspic. This would at least have the benefit of bringing clarity and truth to the Plan whilst enabling those of us who live in the Stort Valley and wish to continue to live in a land of scattered settlements and market towns to move.

3. Infrastructure

- (a) Sewage

The Draft Plan claims that the Rye Meads sewage works has the capacity to meet the demands of the proposed development. This statement cannot have been correct at the time at which it was made. I received a letter from Dalcour Maclaren on behalf of Thames Water on 13th January 2017 informing me that contractors would be coming onto our land

to undertake a survey of the sewer capacity. On further enquiry I was told that this was required in order to establish whether the sewer had the capacity to cope with the scale of the proposed development at "Harlow North" and that it was particularly important that they measured flow rates over a 12 week period on the section of the sewer which crosses Stanstead Bury because this section is closest to the sewage works. I agreed to allow them to undertake the testing provided that Thames Water agreed to remedy the long standing problem of semi-treated sewage being pumped onto our land in storm conditions. Thames Water refused (presumably on the basis that they have always refused in the past, which has been that they cannot afford the capital expenditure) and so no testing has taken place on what I was previously told was the most important section of the sewer.

The extent to which the sewage infrastructure could be improved at reasonable cost so that it can cope, I am unable to judge. However, my evidence would suggest that when the plan was submitted either the EHDC had not done the work that it should have done or that Thames Water has lead the EHDC to an incorrect conclusion.

(b) Water

The Draft plan makes no mention of what is perhaps the biggest infrastructure deficit of all.

- The River Stort is in either "bad" or "poor" condition for its entire length below Bishop's Stortford as measured by the Environment Agency. Under the Water Framework Directive there is a legal obligation to improve this to "good" in the plan period and yet there is no mention of the impact of GA1 and GA2 on the achievability of this. This is a surprising and careless omission.
- The Environment Agency's Upper Lea Catchment Area Management Strategy Plan dated February 2013 states that actual flows on the entirety of the River Stort are below the requirement to meet Good Ecological Status as required by Water Framework Directive and therefore that no further abstraction measures will be granted.
- The old bed of the River Stort, which crosses our land near Roydon, used to run for 9 months of the year. Deep level pumping outside Harlow has severely reduced the capacity of the aquifer. The River is now dry for 11 months of the year.
- We pump our own water from the aquifer. For the first time in my life time the aquifer is producing water which is not fit for human consumption and we are being advised by the EHDC to boil our water (letter dated 2nd October 2017 and email dated 9th October 2017 from Neil Webb, Technical Officer, East Herts District Council to Mr and Mrs Trower).
- Residents of East Hertfordshire have received an email from Mike Pocock, the Director of Asset Strategy, of Afficity Water dated 10th October 2017, telling us that despite the rainfall between May and September water levels are materially below average and pointing out that we are in an area "which is designated as suffering from serious water stress".

4. Risks to Delivery

In my view the Risks to the Delivery of this proposal are immense and the EHDC should not be taking them.

- (a) Most of the EHDC's development "eggs" "will be in one basket". From a commercial perspective this will prove to be a highly uncomfortable position to be in. Once the local authority has delivered itself into the hands of two large developers it will have

limited ability, whatever the controls it puts into place, to ensure that these are complied with.

- (b) The necessary infrastructure is highly unlikely to be delivered on time and to the specification required. The EHDC does not have the skill base to manage very large contracts like this. My own experience of how it is being “played” by Thames Water might act as a salutary warning. Thames Water’s past track record suggests that it will do everything that it can to avoid or minimise capital expenditure.
- (c) The chances of being entangled in litigation are high.
- (d) Creating new communities is very difficult. The EHDC has no experience of creating large new communities. The experience across the rest of Hertfordshire is at best patchy and it is worth noting that all of those areas which are in the top national decile of the Index of Multiple Deprivation in Hertfordshire are communities which have been dumped in previously open countryside where there has been either no existing community or one of insignificant scale.

APPENDIX A – OIL PAINTING OF THE HISTORIC PARKS OF BRIGGENS AND STANSTEAD BURY, BY JOHN LINNELL

